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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,400	02/27/2002	Hiroaki Fujita	401588	7387
23548	7590	03/24/2004	EXAMINER	
LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			VARGOT, MATHIEU D	
			ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/083,400	FUJITA, HIROAKI	
	Examiner	Art Unit	
	Mathieu D. Vargot	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kingston (see col. 1, lines 42-45; col. 2, lines 18-19 and 52-53; col. 3, lines 9-11).

The applied reference discloses compression molding an optical material (blank 24) between upper (15) and lower (12) molds which are delimited by a trunk mold (sleeve 10). See the above-noted passages for a disclosure that the blank is made to a shape substantially the same size as the finished lens, which of course would also be the size of the mold cavity defined between the molds. Hence, it is submitted anticipated that the diameter of the blank is 95-100% of the diameter of the molds, since the blank is preliminarily shaped so that very little plastic flow of the blank to fill up the cavity is required or indeed even necessary. The blank is disk-shaped as set forth in instant claim 4. Lacking anticipation, it is submitted that the instant claims are obvious over Kingston. The applied reference desires very little radial plastic flow of the material and it is rather clear from the disclosure and figures therein that the blank is basically made

so that it fits within the mold cavity defined between the molds. One of ordinary skill in this art would understand that a 95-100% match between the mold diameter and blank diameter would be desirable to limit the amount of plastic flow, and hence stress, and that is exactly what Kingston is directed to.

2. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kingston.

Kingston is applied for reasons of record as set forth in paragraph 1, *supra*, the reference essentially lacking a clear showing of the blank diameter being equal to that of the upper and lower mold (ie, a 100% conformance) and that the blank is spherical. While Kingston may not explicitly show that the diameters of the blank and that of the upper and lower molds are equal, it is submitted that this is an obvious parameter given the general disclosure of the reference for reasons generally set forth in paragraph 1, *supra*. Again, one of ordinary skill in the art would desire to make the blank as close as possible to the final lens shape desired, and this would also inherently mean that the blank should be as close as possible to the mold cavity size which makes the final lens. Hence, the diameter of the blank and the diameter of the upper and lower molds would obviously be made as close to equal as possible to limit radial flow of the blank during pressing. In a case of zero radial flow, the diameters would be equal. Zero radial flow would still allow for some spherical flow to reshape the curvature of the blank to a final lens curvature. Kingston shows a disk shaped lens blank. However, spherical blanks and lenses made therefrom are well known in the art and such would have been an

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obvious modification to the process of Kingston dependent on the exact shape lens desired.


3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lefebvre (see Fig. 4) shows a blank (10') being reshaped which is almost equal to the diameters of the upper and lower molds (14I and 14S).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 571 272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni, can be reached on 571 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot
March 19, 2004


Mathieu D. Vargot
Primary Examiner
Art Unit 1732

3/19/04